

REMARKS

Claim 5 has been canceled.

Claims 1 and 8-12 have been amended.

Claims 1-4 and 6-12 are pending.

Allowable Subject Matter

The Office Action indicated that Claims 6-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks Examiner for a thorough and fair examination. However, Applicant respectfully points out that Claim 6 is an independent Claim and Claim 7 depends therefrom. Applicant submits that Claims 6 and 7 are thus allowed as they were originally filed.

Specification

The Office Action objected to the disclosure due to the informality that On page 12, line 5, "2100" should be --210--. Applicant has amended the specification addressing the informality.

Claim Rejections

35 U.S.C. §102

The Office Action rejected Claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Byrd (5,377,074). Applicant respectfully traverses the rejection. As a preliminary matter, Byrd ('074) clearly discloses a utility meter mounting pedestal that can be bolted to a dwelling. In contrast, Applicant's claimed invention is a meter base bracket that specifically is connected to the internal structure of a dwelling, specifically in between two studs of one

of the dwellings' walls. This feature is in clear contrast to the invention of Byrd ('074). Applicant's claimed invention does not include a pedestal 12, 12' as clearly needed in the Byrd ('074) invention. Without this critical limitation in Byrd ('074), the invention does not exist. In fact, with or without the pedestal, Byrd's ('074) invention has many of the same problems as described in the prior art of Applicant's claimed invention. The biggest problem is that by merely attaching a meter base or intervening bracket to an external wall of the dwelling (typically using a surface of siding with short screws), subsequent weather and handling of the meter base inevitably results in the meter base being pulled from the wall. Applicant has solved this problem by attaching the side walls of the bracket in between two of the internal studs, typically wooden (although steel studs in dwellings with steel frames is also contemplated). By the side walls of the bracket being connected between adjacent studs using nails, screws or other permanent connection devices, the bracket becomes an integral part of the dwelling. In turn, the meter base is securely connected to the planar wall of the bracket with nuts and bolts, thus now making the meter base a permanent integral part of the dwelling. In this way, the meter base cannot pull away from the external walls because it is not connected to the external walls.

Applicant has amended Claim 1, particularly the preamble, to include the important feature that the bracket is connected between two studs of the dwelling. In addition, Applicant points out the Byrd ('074) does not disclose side walls, but rather rolled edges 24, 24' that are simply to nest "within the rolled side edge 14' of the post as best shown in FIG. 7." (Byrd, Col. 4, lines 39-41) Clearly, these rolled edges are not capable of interconnection between two studs of a dwelling, as are Applicant's claimed side wall elements. Furthermore, in a subsequent rejection, the Office Action equates Byrd's post 12, 12' with a stud. This is a critically mis-characterized element. The post 12, 12' in Byrd ('074) is a post for the pedestal system and in no way an internal wall stud as described in Applicant's specification and claims.

Applicant submits that Claim 1 as amended is now allowable and that Claims 2-4 depend therefrom and are also allowable.

The Office Action rejected Claims 8-10 under 35 U.S.C. 102(b) as being anticipated by Byrd (3,879,641). Applicant respectfully traverses the rejection. In fact, Applicant is perplexed that the Office Action has indicated that the upper bracket 40 is in telescopic arrangement with the lower bracket 40 in Figure 2 of Byrd ('641). Telescopic arrangement is a term used to described two parts that are not only connected but that one part retracts and extends from and into the second part, much like a telescope. The brackets 40 in Byrd ('641) are totally disconnected and meant to be disconnected from one another and in no way can be connected telescopically to one another. There is simply no telescopic arrangement possible by viewing the figures and by reading the specification and claims in Byrd ('641).

Applicant has amended Claims 8-12 to include limitations that more clearly recite the novelty and non-obviousness of Claims 8-12. Applicant submits that Claims 8-12 are now allowable.

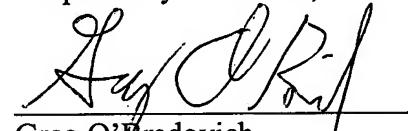
35 U.S.C. §103

The Office Action rejected Claims 4-5 under 35 U.S.C. 103(a) as being unpatentable over Byrd (5,377,074). Applicant respectfully traverses the rejection. Applicant has presented arguments above that Applicant believes clearly differentiate Byrd ('074) from Applicant's claimed invention. Applicant submits that Claims 4 now depends from allowable Claim 1. Furthermore, the rejection with respect to Claim 5 is moot since Applicant has canceled Claim 5.

The Office Action rejected Claims 11-12 under 35 U.S.C. 103(a) as being unpatentable over Byrd (3,879,641). Applicant respectfully traverses the rejection. Applicant has addressed critical differences between Byrd ('641) and Applicant's claimed invention and Applicant believes that Claim 8 is now allowable. Claims 11-12 depend indirectly from Claim 8 and are also deemed allowable.

If Examiner has any questions regarding this document, Applicant asks that Examiner contact the undersigned immediately by telephone.

Respectfully submitted,



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